

REMARKS

On page 2 of the Office Action, the Examiner objected to claims 17 and 19. Accordingly, these claims have been amended.

On pages 2 and 3 of the Office Action, the Examiner rejected claims 31 and 36-38 under 35 USC §101 as not being directed to patent eligible subject matter. These claims are canceled. New claims 39-42 are directed to an article of manufacture, which is a statutory class under 35 USC §101. Therefore, new claims 39-42 are directed to patent eligible subject matter under 35 USC §101.

On page 4 of the Office Action, the Examiner rejected claims 31 and 36-38 under 35 USC §112, second paragraph. These claims are canceled. New claims 39-42 are definite.

On pages 5-11 of the Office Action, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over McCallam '832 in view of Sekiguchi.

Independent claim 17 - The Examiner recognizes that McCallam '832 fails to disclose comparing instruction data both with a first profile when the instruction data is

received while the computer is not logged into a user account and with a second profile when the instruction data is received while the computer is logged into a user account.

In attempting to overcome this deficiency of McCallam '832, the Examiner interprets the first profile of independent claim 17 as a profile that is created when a remote computer (such as the mail server of Sekiguchi) remotely initiates a process on a local computer and interprets the second profile of independent claim 17 as a profile that is created when a local user locally initiates a process on the local computer.

The Examiner's interpretation is not correct because it is contrary to the disclosure of the present application. The present application clearly discloses that the first profile can be created when a local user performs some operation on the computer (such as turn on or turn off) but before the local user is logged onto the computer (such as where the local user has not yet entered a logon name and password). Thus, any interpretation of the first profile cannot exclude its creation in response to an action of a local user. For this reason also, the Examiner's interpretation cannot lead to a conclusion of

obviousness regarding the invention of independent claim 17.

Accordingly, because the Examiner's interpretation cannot lead to a conclusion of obviousness regarding the invention of independent claim 17, the rejection of independent claim 17 as being obviousness over by McCallam '832 in view of Sekiguchi must fail.

Moreover, with regard to the Examiner's reliance on Sekiguchi, the Examiner recognizes that McCallam '832 fails to explicitly disclose creating and comparing a first profile as the first profile is recited in independent claim 17. Therefore, the Examiner applies Sekiguchi, arguing that Sekiguchi discloses this limitation of independent claim 17 because Sekiguchi is able to detect threats posed to a local computer by a remote computer having no user account with the local computer, citing column 9, line 54 through column 10, line 10 of Sekiguchi.

This portion of Sekiguchi states that a local computer can be accessed not only by a user, but also in a semi-automatic process by other equipment of a network such as a mail server. Because mail can activate a program in either the mail server or the local computer, the security of the local computer cannot be guaranteed. Therefore,

security monitoring can be performed relative to access between computers, where users do not interfere.

Figure 9 of Sekiguchi shows an access log which is acquired from access through a network by a mail server. This access log is converted to security management information shown in Figure 10 of Sekiguchi, and the security management information is stored.

According to Sekiguchi, the access log of Figure 9 is compared to the security management information of Figure 10. If the access of the access log is mail from an existing sender who is recorded in the security management information, no alarm is issued. In this case, the sender is an authorized sender. However, if the access is mail from a sender who is not recorded in the security management information, an alarm is issued. In this latter case, the sender is not an authorized sender.

The combination of McCallam '832 and Sekiguchi does not suggest the invention of independent claim 17 for at least two reasons.

First, independent claim 17 requires the comparison of instruction data with the first profile, where the instruction data causes a computer to execute an operation and the first profile relates to the computer (as

contrasted to the second profile that is related to the user). By contrast, Sekiguchi does not rely on instruction data that causes a computer to execute an operation. Instead, Sekiguchi merely determines whether a sender (user or computer) is identified as an authorized senders.

Accordingly, Sekiguchi does not teach making use of instruction data that causes a computer to execute an operation as required by independent claim 17.

McCallam '832 likewise does not teach making use of instruction data that causes a computer to execute an operation. McCallam '832 instead analyses performance parameters such as the number of read/write operations or the number of file deletions by comparing that number to a threshold.

Because neither McCallam '832 nor Sekiguchi discloses or suggests the use of instruction data as required by independent claim 17, a person of ordinary skill in the art would not have been led by McCallam '832 and Sekiguchi to the invention of independent claim 17.

Accordingly, for this first reason, independent claim 17 is not unpatentable over McCallam '832 in view of Sekiguchi.

Second, independent claim 17 requires switching the profile to be compared to the instruction data according to whether the computer is logged in to a user account or not.

Because neither McCallam '832 nor Sekiguchi shows this feature of independent claim 17, a person of ordinary skill in the art would not have been led by McCallam '832 and Sekiguchi to the invention of independent claim 17.

Accordingly, for second third reason, independent claim 17 is not unpatentable over McCallam '832 in view of Sekiguchi.

Because independent claim 17 is not unpatentable over McCallam '832 in view of Sekiguchi, dependent claims 18-28 likewise are not unpatentable over McCallam '832 in view of Sekiguchi.

Independent claims 29 and 39 are patentable over McCallam '832 and Sekiguchi for similar reasons.

In addition, with regard to independent claim 29, there is nothing in either McCallam '832 or Sekiguchi to suggest a first profile that includes operations not identified with users and that, therefore, would not be stored in relation to the known user for these operations. To the contrary, McCallam '832 identifies all users, and

Sekiguchi identifies the remote computer and stores any access in relation to the identified remote computer so that the identity of the identified remote computer can be compared to an authorized users list.

Accordingly, the combination of McCallam '832 and Sekiguchi would not have led the person of ordinary skill in the art to the invention of independent claim 29.

Therefore, for this additional reason, independent claim 29 is not unpatentable over McCallam '832 in view of Sekiguchi.

Because independent claims 29 and 39 are not unpatentable over McCallam '832 in view of Sekiguchi, dependent claims 33-35 and 40-42 likewise are not unpatentable over McCallam '832 in view of Sekiguchi.

CONCLUSION

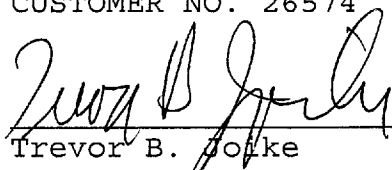
In view of the above, the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the present application are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that may be required, or to credit any overpayment, to account No. 501519.

Respectfully submitted,

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